



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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Brooklyn, New York 11201-2776

July 14, 2010

By ECF

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Diego Alexander Barrera-Guerrero,
10-CR-0040 (E.D.N.Y.)

Dear Judge Garaufis:

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the government respectfully submits the enclosed Amended Final Order of Forfeiture for the Court's approval.

As the Court is aware, approximately 131,000 Euros and \$220.00 in United States currency (collectively, the "Seized Currency") was seized from the defendant on or about January 7, 2010, at John F. Kennedy International Airport. Based upon the applicable exchange rate, the total amount of seized currency equals approximately \$179,074.30. Pursuant to the defendant's plea agreement, the defendant agreed to the forfeiture of \$94,110.00 of the Seized Currency pursuant to 31 U.S.C. § 5317.

On or about March 24, 2010, the Court entered a preliminary order of forfeiture which required, among other things, the forfeiture of \$94,110.00 of the Seized Currency, as agreed to by the defendant. Following publication of the preliminary order and the filing of no claims in response thereto, the government submitted a proposed Final Order of Forfeiture, which the Court approved on June 14, 2010. While the Final Order correctly provided for the forfeiture of \$94,110.00 of the Seized Currency, it inadvertently indicated that there was a remaining \$94,110.00 to be returned to the defendant. However, based upon the applicable exchange rate, this amount was overstated. Accordingly, the government, in response to a request from the Department of Homeland Security, Fines, Penalties, and Forfeitures Division, submits and respectfully requests that the Court approve the

enclosed Amended Final Order which provides for the balance of the Seized Currency to be returned to the defendant.

The government appreciates Your Honor's consideration of the enclosed.

Respectfully submitted,

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UNITED STATES ATTORNEY

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Encl.

CC: Robert Feitel, Esq., attorney for Diego Alexander Barrera-Guerrero (via ECF)